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## NOTES OF CASES.

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CONFIDENTIAL COMMUNICATIONS—IN PRESENCE OF ADVERSARY.—A communication made by a client to his attorney in the presence of the opposite party to the transaction in question is held, in *Stone v. Minter* (Ga.), 50 L. R. A. 356, not to constitute a confidential or privileged communication which the attorney will be incompetent to disclose.

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CONSTITUTIONAL LAW—FREEDOM OF CONTRACT—CLASS LEGISLATION.—An act requiring every merchant who sells farm produce on commission to execute a bond in the penal sum of \$5,000, conditioned for the faithful performance of his contracts, is held, in *People v. Coolidge* (Mich.), 50 L. R. A. 493, to be unconstitutional as class legislation, and also as an unjustifiable interference with the right of citizens to carry on legitimate business.

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SMOKE NUISANCE—PROHIBITORY LEGISLATION.—A statute declaring the emission of thick or dense black or gray smoke from chimneys to be a nuisance *per se*, punishable as an offense, is held, in *Moses v. United States* (D. C. App.), 50 L. R. A. 532, to be within the police power which Congress can exercise over the District of Columbia, and therefore not to constitute a deprivation of property without due process of law.

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PUBLIC SCHOOLS—TEACHERS' SALARIES—UNAVOIDABLE INTERRUPTION.—A teacher employed at a certain compensation "for the time actually occupied in school" is held, in *McKay v. Barnett* (Utah), 50 L. R. A. 371, to be entitled to pay for the time during which school is temporarily suspended because of an epidemic of smallpox. A note to the case presents the authorities on the general question of the right of a teacher to salary during temporary interruption of school in term time.

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LIFE INSURANCE—WIFE AS BENEFICIARY—EFFECT OF DIVORCE.—A woman's right to the proceeds of a policy of insurance on the life of her former husband, when she is named as a beneficiary in the policy, is held, in *Overheiser v. Mutual Life Insurance Company* (Ohio), 50 L. R. A. 552, to continue, notwithstanding a divorce obtained by her during his life. A note to this case shows that this decision is in accordance with the general doctrine governing ordinary life policies, though the rule in respect to benefit certificates is otherwise.

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TELEPHONE POLES IN STREET—ADDITIONAL SERVITUDE.—Telephone poles and wires are held, in *Krueger v. Wisconsin Telephone Co.* (Wis.), 50 L. R. A. 298, to make an additional burden upon a street, for which compensation must be made to the owners of the land as a condition of such use, and this decision is in accord with the majority of the precedents, as shown by the note in 24 L. R. A. 721.

See *West. Union Tel. Co. v. Williams*, 86 Va. 696, 19 Am. St. Rep. 908, and note.